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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,757	01/07/2005	Pierluigi Di Peppe	71660	5068
23872	7590	10/04/2006		
MCGLEW & TUTTLE, PC P.O. BOX 9227 SCARBOROUGH STATION SCARBOROUGH, NY 10510-9227			EXAMINER WONG, ALBERT KANG	
			ART UNIT 2612	PAPER NUMBER

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/520,757

Applicant(s)

DI PEPPE, PIERLUIGI

Examiner

Albert K. Wong

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2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date, _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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1. This Office action is in response to the application filed January 7, 2005. Claims 1-12 are pending.

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claimed aiming means is not taught or disclosed in the specification.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, said aiming means lacks an antecedent basis. It is also not clear what constitutes the aiming means since it is not defined in the specification. In line 19, "to an user" is grammatically incorrect. In line 2, "by a remote control" does not make sense. It is suggested that in line 1, "electric and electronic" be deleted since it is considered confusing and not necessary.

Regarding claims 2-5 and 9 see claim 1 pertaining aiming means.

Regarding claim 8, it is not clear what is meant by "the connection".

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6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 and 6-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 01/35368.

Regarding claim 1, WO teaches the claimed appliance with transmitter and receiver as items 1-13; the claimed remote control with transmitter and receiver and key for sending a command to an appliance is shown as item 1. WO teaches that signals from the appliances are received when the remote control is pointed at the appliance and signal is sent to the appliance. Further, the reference teaches that transmission and reception are within a narrow range. It would have been obvious that some means must be present to limit the reception as suggested by the reference. The housing alone would limit the reception angle. Alternatively, a red filter is often placed in front of a remote control receiver to filter ambient light. This filter may also be considered a means for limiting reception.

Regarding claim 6, WO teaches communication via infrared rays.

Regarding claim 7, radio frequency remote controls are known in the art. It would have been obvious to use radio frequency to extend the range of the remote control.

Regarding claim 8, when a remote control sends a signal to the appliance, the changing of a channel or the on/off state of the device would constitute a visual indication of the connection between the appliance and the remote control.

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Regarding claim 9, the claimed steps are taught within the WO reference.

Regarding claim 10, WO teaches the request for an identification message by depressing a button on the remote control which sends a signal to the receiving appliance to enable the transmission of the proper signal from the appliance.

Regarding claims 11-12, these steps are taught in the WO reference.

8. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 01/35368 in view of WO/2002/010897. The US equivalent patent (7,053,798) is presented since the original document is in French. Reference will be made to the US Patent for clarity

Regarding claim 1, '368 teaches the elements of the remote control and the appliances as discussed above. '368 is not explicit regarding the means limiting the angle of reception. '897 teaches a remote control receiver that receives signals from a plurality of infrared devices. The reference teaches a means for limiting the angle of reception via a horn as shown in figure 8. The signals are concentrated at a receptor at the end. It would have been obvious to combine the references since they are in the same field of endeavor.

Regarding claims 2-3, the horn shown in '897 is approximately a conical channel. The horn may also be considered a tube.

Regarding claim 4, '897 teaches a red filter which is considered a lens.

Regarding claim 5, the opening of the horn in '897 may be considered a collimation hole.

Regarding claim 6, WO teaches communication via infrared rays.

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Regarding claim 7, radio frequency remote controls are known in the art. It would have been obvious to use radio frequency to extend the range of the remote control.

Regarding claim 8, when a remote control sends a signal to the appliance, the changing of a channel or the on/off state of the device would constitute a visual indication of the connection between the appliance and the remote control.

Regarding claim 9, the claimed steps are taught within the WO reference.

Regarding claim 10, WO teaches the request for an identification message by depressing a button on the remote control which sends a signal to the receiving appliance to enable the transmission of the proper signal from the appliance.

Regarding claims 11-12, these steps are taught in the WO reference.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert K. Wong whose telephone number is 571-272-3057. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 571-272-7308. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Albert K. Wong
September 27, 2006



ALBERT K. WONG
PRIMARY EXAMINER